



TOWN OF WATERTOWN
Department of
Community Development and Planning
PLANNING BOARD

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Planning Board Report

This report provides the Planning Board's recommendation to the Honorable Town Council for the Council's public hearing on the Regional Mixed-Use District Zoning Ordinance text amendments and map amendments.

ZONING AMENDMENT:	<u>Regional Mixed-Use District (RMUD) and Map Amendment</u>
DATE OF FIRST READING:	August 18, 2015
STAFF RECOMMENDATION:	Adoption of Amendment with minor modification
DATE OF PLANNING BOARD HEARING:	October 14, 2015 and November 9, 2015
PLANNING BOARD RECOMMENDATIONS:	Approval (4-0)
TOWN COUNCIL HEARING:	Scheduled: 12/1/2015

I. PUBLIC NOTICE

A. Procedural Summary:

As required by the Watertown Zoning Ordinance § 9.22, notice is given as follows:

- Published in the newspaper record (Watertown Tab) for the Planning Board on 9/25/2015 & 10/2/2015 and for the Town Council on 11/13/2015 & 11/20/2015 ;
- Posted at the Town Administration Building on 9/21/2015 for the Planning Board and 11/13/2015 for the Town Council; and,
- Mailed on 9/21/2015 for the Planning Board and 11/13/2015 for the Town Council to parties deemed affected by the proposed zoning amendment

B. Planning Board Public Notice:

*"Notice is hereby given that the City known as the Town of Watertown will be conducting a PUBLIC HEARING before the **Planning Board** on a proposed AMENDMENT TO THE ZONING ORDINANCE and MAP. The Hearing will be held on Wednesday, October 14, 2015 with the meeting starting at 7:00 p.m. in the Town Council Chamber, Administration Building, 149 Main Street, Watertown, MA 02472. BP Watertown Retail LLC submitted a Zoning Ordinance Amendment request to create a new Zoning District, Regional Mixed Use District (RMUD), and further to amend the WZO to include, but not limited to,*

modified Definitions, Use Tables, Use Notes, Dimensional Table, Dimensional Notes, Parking, and other sections as appropriate.

The initial request was to amend the Watertown Zoning Ordinance by adopting the changes set forth in the document entitled “Regional Mixed Use District [RMUD] Proposed Zoning Amendments.”

Further, to consider amending the Watertown Zoning Map by establishing the Regional Mixed Use District. The parcels shall include, at a minimum, the following Parcel ID numbers: 1301 2A 1, 1301 2D 2, 1301 2 1, and 1301 2 1A. The Town of Watertown has proposed to expand the area of consideration to include a substantial portion of the existing I-1 Zoning District and a portion of the I-3 Zoning District (along Coolidge Avenue) as identified on the Future Land Use Map of the adopted 2015 Comprehensive Plan.

The Amendment language and map are available for review in the office and website of the Department of Community Development and Planning.”

C. Town Council Public Notice:

*“Notice is hereby given that the City known as the Town of Watertown will be conducting a PUBLIC HEARING before the **Town Council** on a proposed AMENDMENT TO THE ZONING ORDINANCE and MAP. The Hearing will be held on Tuesday, December 1, 2015 at 6:30 p.m. in the Town Council Chamber, Administration Building, 149 Main Street, Watertown, MA 02472.*

BP Watertown Retail LLC submitted a petition request for a Zoning Ordinance Amendment and Map Amendment to create a new Zoning District, Regional Mixed Use District (RMUD), and further to amend the Watertown Zoning Ordinance (WZO). The amendments are intended to be in keeping with and implement the recently adopted 2015 Comprehensive Plan and the Future Land Use Map, which identifies an area for Regional Mixed Use. This request was reviewed by DCDP Staff and by the Planning Board and now includes amendments of, but may not be limited to:

- *Modified Definitions (open space),*
- *Use Tables (mixed-use, cemeteries, assisted living, new/used vehicles for sale, light industry, heavy industry, and accessory uses) and Use Notes,*
- *Dimensional Table (change of setbacks, coverage, impervious surface, minimum opens space, height)*
- *Dimensional Notes (overall length and faced lengths),*
- *New RMUD Section (intent, purpose, district delineation, dimensional criteria, authority, and procedure) - Creates a new Master Plan process and identifies the Planning Board as the permit granting authority*
- *Site Plan Review (LEED and Energy Assessments requirements) and Parking, and updates to other sections as appropriate.*

Further, the request will consider amending the Watertown Zoning Map by establishing the Regional Mixed Use District. The expanded area being considered for the RMUD includes a substantial portion of the existing I-1 Zoning District and a portion of the I-3 Zoning District (along Coolidge Avenue) as identified on the Future Land Use Map of the adopted 2015 Comprehensive Plan and the proposed RMUD Zoning Map Amendment.

The Amendment language and map are available for review in the office and on the website of the Department of Community Development and Planning.”

II. DESCRIPTION

A. Nature of the Request

BP Watertown Retail LLC submitted a petition request for a Zoning Ordinance and Map Amendment to the Honorable Town Council. The request is intended to be in keeping with and implement the recently adopted 2015 Comprehensive Plan and the Future Land Use Map which identifies an area for Regional Mixed Use.

The initial request included four parcels (Parcel #s 1301 2A 1, 1301 2D 2, 1301 2 1, and 1301 2 1A) with buildings that include the Arsenal Project, Harvard Vanguard, Golf Smith, Home Depot, and Miller's Ale House. More specifically, the request as submitted proposes a new Zoning District called the Regional Mixed Use District (RMUD) to replace a portion of the I-1 Industrial Zoning District. The initial request was reviewed by Planning Staff and the scope of the amendment was expanded to ensure that all Articles within the Watertown Zoning Ordinance were addressed properly. Staff also requested and received guidance from the Planning Board to expand the area requested to cover the entire area suggested by the adopted 2015 Comprehensive Plan. The following section provides a summary of the amendments.

III. ANALYSIS AND FINDINGS

The following list provides a breakdown of the component parts of the requested amendment with staff comments and recommendations. The amendments specifically:

1. **Definitions – Open Space** – Initially not included, the Petitioner requested Staff to look at and clarify what is considered as open space. The suggested language clarifies that certain amenities (i.e. plazas, paths, courtyards, etc.) are components of open space and can be included in the required open space even if they are only partially pervious. As suggested, the word "Pervious" was stricken from the first sentence and moved to the second to clarify that in all instances, required open space shall be pervious in all Residential Districts. By removing the requirement for open space to be pervious, the definition is in-line with the requirements for a certain amount of open space in the more urbanized area of town such as the Central Business District and the historically industrial areas. **The Board finds that the suggested changes are in keeping with the intent of the Ordinance and will allow flexibility for implementing open space as described in the adopted 2015 Comprehensive Plan and the Design Guidelines in mixed-use and commercial areas of the Town.**
2. **Use/Accessory Use Tables** – The petitioner requested that most uses allowed in the underlying Zones be carried over, and agreed to limit certain more 'industrial' types of uses including uses such as car washes, self-storage facilities, and heavy industry. At the request of DCDP Staff the Petitioner kept protected uses (i.e. adult uses) that were allowed in the Industrial Districts, as it is required to have location identified for these uses per Federal and State Law. To summarize the changes from the previous I-1 category, the table would allow:
 - a. **Mixed Use greater than three units** – A new note specifies that mixed-use would only be allowed through the use of a Master Plan Special Permit which requires a site of 2 acres or larger. This requirement would ensure that smaller

- parcels in the district would continue to provide commercial and light industrial uses that could support larger potentially mixed-use sites.
- b. **Cemeteries** - Currently an allowed use but with no actual cemeteries located with the proposed RMUD
 - c. **Assisted Living** – This would be allowed with the same requirements as required within the CB Zoning District which requires mixed-use with supporting commercial located on the first floor of a project.
 - d. **New/used vehicles for sale** – This use is currently allowed through the RMUD proposed area and would no longer be allowed, except as clarified in the note as a retail display of available vehicles in a multi-tenant development.
 - e. **Light Industry** – Currently smaller light industrial projects would be allowed by right and the change would require a Special Permit for all new uses as required in the PSCD Zoning District.
 - f. **Heavy Industry** – The two categories of Heavy Industry allowed in Town now would not be allowed in the new RMUD Zoning District.
 - g. **Accessory Uses** – The uses identified for change primarily focused on accessory uses as part of larger residential development, as well as the removal of vehicles for sale.

The Board finds that the proposed mix of uses allowed would implement the RMUD as conceptualized in the Comprehensive Plan. In order for the area to prosper as a destination, the table of uses needed to be updated and the changes will allow for a more diverse mix of uses to add to the vibrancy within the Arsenal Corridor. The uses that would be excluded are car-centric or uses that have components that could lead to nuisances such as noise, dust, and truck traffic.

- 3. **Table of Dimensional Regulations** – The RMUD is added to the table after the PSCD and the specific requirements are identified.
 - a. **Setbacks** – The setbacks are proposed to follow the Build-to-Line for front yards, as recommended in the adopted Design Standards. The side and rear yards are consistent with the PSCD District and other mixed-use districts. In order to protect any residential only projects in existence prior to the RMUD's adoption, the Board recommends modifying the Side Yard Setback to not allow it to be reduced adjacent to existing housing.
 - b. **Building Coverage, Impervious Coverage and Minimum Open Space** – These three areas relate to each other and the current requirements within the I-1 require less open space, less pervious surface, and allow less building coverage. The previous dimensional allowances would allow for an industrial or suburban style mall development but would not allow the urban design and potential for redevelopment envisioned in the Comprehensive Plan or the Design Guidelines. By requiring more open space and more pervious surfaces, landscaping places for outdoor congregation will be encouraged. As previously mentioned, the open space requirement is redefined to ensure that the ideas developed in the Design Guidelines process are allowable. The impervious requirements are one component for better stormwater management but is only one component of the town's requirements. Ultimately, stormwater will be addressed using other Town Regulations.
 - c. **Height** – Historically, the federally owned area of town was exempt from height requirements and many of the existing buildings within the Arsenal sites have

buildings that are taller than the current 55 feet requirement. When the Arsenal was redeveloped, the zoning requirements allowed for increased heights (Arsenal Apartments). Adjacent sites along Coolidge Avenue also were developed under previous zoning with 7 to 10 story buildings and heights estimated to be more than 79 feet. More recently, a request was made to increase the height to 79 feet for Hotel Uses along the corridor, which was in keeping with the PSCD. The PSCD has since been decreased to a maximum height of 69 feet with a reason being that that corridor had a much narrower right of way (canyonization) and could not accommodate the increased heights as well as Arsenal Street, for example.

Based on the Hearing and Board deliberation, the recommended height within the RMUD would be limited to a maximum of fifty-five (55) feet and five (5) stories (existing requirement within the existing Industrial Zoning Districts) unless a project applies for a RMUD Master Plan Special Permit. The language would allow projects with a Master Plan Special Permits to have up to 79/7 stories or be limited by FAR for Mixed-Use projects through the discretionary approval process, as discussed in the RMUD Approval Process, below.

The identified heights would be the maximum height allowed for Special Permit only projects and would be discretionary. In instances where further study (shadow studies, etc.) is required, the Special Permit Granting Authority could decrease or deny a project as not appropriate within the context of an area within the RMUD.

- d. **Notes** – Note (f) is clarified that in the RMUD, through Special Permit, both the overall building length and the length of facades may be increased. This would allow for larger scale commercial buildings and would allow garages to be wrapped or increase in size to accommodate the regional scale shopping that exists within the proposed RMUD area.

Note (p) provides a clarification to allow the consideration of extension of existing buildings and new buildings adjacent to Open Space Conservancy (OSC) land so long as the building does not encroach any further into required setbacks, but only if a reasonable amount of public accessible open space is created in exchange for the redevelopment.

- 4. **Regional Mixed Use District (RMUD)** – A new Section is proposed within the Ordinance to describe the requirements for development and redevelopment. This is classified as a Special District and has specific requirements.
 - a. **Intent and Purpose** – This section provides the primary aspects of RMUD, with the goals of facilitating conversion and redevelopment in keeping with the adopted 2015 Comprehensive Plan. There are eight overarching objectives identified with DCDP Staff input and review. The objectives include: Mix of uses (retail, office, hospitality, multi-family residential, and R&D);

Appropriate/increased density and scale as a gateway; Improve quality of life (Charles River connections, pedestrian environment); Enhance publically available open space; Respect historic assets and architecture; Enhance diversity and value of tax base; Green building; Multi-modal access.

- b. **District Delineation** - Zoning Map amendment would define the district delineation. The initial area requested included only the Arsenal Project area. Based upon the RMUD area suggested in the Future Land Use Map of the adopted 2015 Comprehensive Plan, the Planning Board recommends an expanded the area. The area was based on public input during that process and also was based upon the underlying uses and desire for redevelopment. The area along Coolidge Avenue was specifically identified to be included to help facilitate redevelopment of underutilized parcels that may contribute to the overall success of the RMUD District as a whole.
- c. **Dimensional Criteria** – This section describes the changes discussed above in the Dimensional Table section. The section clarifies each specific requirement. The height requirements would be consistent with other Districts for minimum heights requirements but the maximum height would be redefined. Specifically, projects that are permitted through a Special Permit would be allowed to request up to 79 feet/7 stories or must follow a Master Plan Special Permit process for mixed-use. If this method is used, height limitations would not be a criteria and decisions would be based upon FAR which could be allowed to be as much as 2.0. Using this method can allow a more diverse mix of buildings and heights and would be dependent on a review of a Master Plan and the RMUD objectives as identified and described above.
- d. **Authority and Procedure** - The largest change from the existing Ordinance within this section is the identification of two approval processes. For all sites less than two acres in size, the approval process would remain as is, with an initial review by the Planning Board and a hearing before the Zoning Board of Appeals. For larger projects the process can be as above with a Special Permit.

As an alternative approval process, a larger site of two acre or more can apply for a suggested Master Plan Special Permit. The reviewing and approving Board would be the Planning Board for this type of approval. The process is modeled after the Arsenal Overlay Development District (AODD) but has been refined with DCDP Staff suggested changes incorporated to work in the larger RMUD area.

Key components of the new process include:

- i. Planning Board as Special Permit Granting Authority (SPGA) for Master Plan Special Permits/Amendments.
- ii. Standard application procedure but without specific building details required. This allows a comprehensive review of the project for floor area, general uses, stormwater, traffic, and other community impacts and improvements.
- iii. Two-step review would be initiated through a Site Plan Review and Design Review as part of a Planning Board Hearing process to receive a Master Plan Special Permit. As a second phase specific buildings would have a Site Plan Review Approval by the Planning Board (by right) to

- determine final architecture and design of each building. Minor site modifications would be finalized as part of this Site Plan Review phase.
- iv. Parking is clarified to allow flexibility during phasing since this type of project would almost always be a redevelopment with some uses/users remaining during the approval and constructions phases of a redevelopment.

- 5. **Location and Design of Off-Street Parking Spaces** – Add PSCD and RMUD to allow stacked parking and other parking requirements as allowed in the Business and Industrial zones, as requested by DCDP Staff.
- 6. **Signs and Illumination** – This section of the Zoning Ordinance was recently amended as part of the 2015 Design Guidelines and Standards but the overall amendments that could be addressed was limited by the scope of the Design Project. At that time, it was acknowledged by Town Staff and the Consultant that there was substantially more that could be done to improve the Signage requirements within the Ordinance. Also, a recent Supreme Court Case "*Gilbert vs Reed*" identified more clearly that certain content based regulation of signage was not legal.

The DCDP Staff talked extensively with the Petitioner and worked on rewriting the initially proposed language with the goal to incorporate the language to clarify and fix many aspects of the signage for all districts. The amendments had a particular focus on the RMUD as this is a regional commercial and shopping area of the Town. Historically, this area of the Arsenal Street corridor has been the most difficult area for sign review and approval. Many components of the Ordinance did not fit the large retail areas in this section of town. Further issues resulted from the area being zoned Industrial. The end result was inadequate signage and frustration with the limitation of an Ordinance that does not treat large projects differently from small single tenant spaces.

The goal of this amendment is to allow successful and meaningful signage that looks appropriate and fits within the context of the adopted Design Guidelines. The following provides a summary of the changes.

a. Section 7.03 – Signs in All Districts – (a) Placement of Signs

- i. Clarify that a building or tenant occupancy may be allowed to have attached and/or free-standing signage on multiple frontages and that a building itself may have signage (already allowed but not clear)
- ii. No signage shall directly front on or face Greenough Boulevard – to protect roadway character and river edge

b. Section 7.03(b) – Projection of Signs

- i. Change to allow all projecting signs (not just the identified ones) to project more than 6 inches from a building wall
- ii. Make it consistent that all types of projecting signs must be 9 feet above the ground and be 2 feet back from the street edge, including awnings and banners.
- iii. Clarify that the maximum size of a Banner Sign (as an identifying sign) can be no more than 50% of a buildings height and the width can be no

more than 15% of the banners height (same as approved in the Hotel Ordinance Amendment)

c. Section 7.03(c) – Conditions of temporary signs

- i. Modify to set the maximum size of a Temporary Non-Accessory Sign to 50 square feet, as currently implemented and enforced based on maximum banner size, above

d. Section 7.05 & (b): Signs in the R.75 and R1.2 Districts, and for Residential Uses in the 1-3 District

- i. Add the RMUD to this Section as a new district to be clear that residential components of a mixed-use project can have signage under this section.
- ii. Allow scaled signage of one s.f. per unit rather than a one-size fits all approach of two 20 s.f. signs in all instances. The upper limit is proposed to remain as two signs but with a maximum of 100 square feet. Wall mounted signage would not be allowed over 30' in height. This would allow more flexibility for identifying projects and signage would be required to comply with Design Guidelines.

e. Section 7.06: Signs in the NB, LB, CB, I, and PSCD District - Add the RMUD to this Section as a new district.

f. Section 7.06(b) – Add language about one building or tenant sign per occupancy frontage and allow one free-standing sign.

Add an Exceptions/requirements for the RMUD component to address the larger scale aspects of projects that could be found in this district:

- i. Add a limitation and size maximum on the total building mounted signs based on length of a building on the first (1.25 s.f.) and second stories (0.75 s.f.) and any occupant may use a portion of the signage allocation.
- ii. Specify that signage may be allowed near entrances and other locations in keeping with Design Guidelines (over 20' above ground level).
- iii. No single occupant may have more than 100 square feet of building mounted Identifying signage
- iv. One free-standing sign per 200 linear feet of street frontage but no more than four total. Each free-standing sign can be up to 20 feet high and 32 square feet in area
- v. Allow consolidation of free-standing signs in the RMUD, with each sign allowed to be as much as 150 s.f. in keeping with the Design Guidelines.

g. Section 7.06(c) – Accessory building mounted signage

- i. The only accessory signage allowed will be projecting signage with one sign per 50 linear feet of tenant space or occupancy facing a street/way.

h. Section 7.06(e) –Clarify the maximum size of signage on mixed-use or non-residential buildings in excess of 100,000 square feet may be 350 feet and set

the maximum building signage in the RMUD will be limited to 100 s.f./ tenant and/or as limited by the linear foot requirements described above.

- i. Allow for more building signage through a Special Permit process in keeping with the Design Guidelines
 - ii. Clarify that free-standing signs do not to count towards the maximum in 7.06(e)
- i. **Section 7.06(g)** – Accessory Projecting Sign can be 16 s.f. and is no longer based upon a percentage of the identifying sign but it must be projecting. Also, remove redundant language of sign height and placement if the sign is Projecting since it is in a previous section.
- j. **Section 7.06(h)** – Clarify that signs may be used for a Business Directory with up to one per entrance allowed and that they may be wall-mounted or free-standing.
- k. **Section 7.07:** Add a new Section and re-number the existing ones in the Ordinance to accommodate a Sign Special Permit process for signs in the RMUD
- l. **Section 7.07(a), (b), (c)** – Allow an alternate approval process by using a Sign Master Plan Permit process for the RMUD.
- i. Create a timeline for sign approval in the RMUD as part of a Master Plan Special Permit or once it is approved.
 - ii. Create a basic process for potential approval of a Sign Master Plan by the SPGA in the RMUD
 - iii. Create Sign Design Standards for Sign Master Plans

IV. PUBLIC COMMENT

Several emails and letters were received and public testimony was received at the two Planning Board meetings. The comments included:

- Open space protection and creation
- Tall buildings (consider allowing and prohibit)
- Limit height near existing residences and open space, setbacks
- Traffic study, mitigation and Transportation Demand Management – consider larger area of town
- Sustainability
- Historic building protection – limit ability to change historic Arsenal structures
- Signage confusion
- Development and relation to surrounding community – integration, engagement, family housing, local spaces, passive and active recreation
- Concern about new long buildings
- Ensure existing housing is allowed within the zone
- Watertown Mall should be included in the RMUD
- Petitions from Boards of Directors for 125 and 131-152 Coolidge Ave (84 and 192 families respectively) oppose to RMUD along Coolidge Ave.

- Ensure a buffer along Greenough
- Positive outcomes through changes, asphalt plant, traffic, trucks from plant on Coolidge Ave
- Start with a Master Plan
- Home Depot – opposed to residential – sound, noise, light would be an issue
- Beautiful concept and add RMUD zoning to the other side of Coolidge Ave
- Can parcels be combined to make 2 acre Master Plan size (yes)
- Broad perspective – terrific but include the north side of Coolidge Ave to upgrade the entire corridor
- Traffic – grid lock on Coolidge Ave
- Need family housing and access to streets
- Good to protect Greenough Blvd
- Non-conforming uses should be identified and sent notice
- More visuals for submittals

V. BOARD DELIBERATION

At the second meeting, Staff presented amendments to the proposed language based upon guidance of the Planning Board as well as public comments received - reduced height to 55' for projects applying for Special Permits, require setbacks adjacent to existing residential, create a 100' buffer along Greenough Boulevard with an exception for existing structures, and require Transportation Demand Management as part of Traffic Studies.

The Board heard further public comments and stated that all comments, emails, and letters were received and reviewed. Specifically, the Board discussed the TDM language and found that it should be considered for projects throughout Watertown and should not just apply to the RMUD and therefore should not be inserted into the RMUD Zoning Ordinance. The Board discussed the open space along Greenough and felt that the staff suggested language would adequately protect the existing open space and would prevent new structures from being built there. The Board also thought it was appropriate to consider building on top of the existing structure on Greenough. They noted that Home Depot was concerned about housing but felt that the Master Plan process would consider appropriate buffers and screening, if necessary.

The Board found that the suggested language as modified with Staff recommendations should be recommended to the Town Council for review and adoption. Linda Tuttle Barletta motioned and Jeff Brown seconded. The Board voted 4-0 to recommend approval of the suggested Zoning and Map amendments.

ZONING Map - Regional Mixed Use Amendment
Planning Board 10/14/2015

